

House File 2409 - Introduced

HOUSE FILE 2409
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 525)

A BILL FOR

- 1 An Act relating to state and school antiharassment and
- 2 antibullying policies and providing for training on bullying
- 3 prevention.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. SHORT TITLE. This Act shall be known and may be
2 cited as the "Bully Free Iowa Act of 2014".

3 Sec. 2. Section 256.7, Code 2014, is amended by adding the
4 following new subsection:

5 NEW SUBSECTION. 33. Adopt rules providing for annual
6 notification by the department to all school districts and
7 accredited nonpublic schools regarding the availability of
8 training meeting the requirements of section 272.2, subsection
9 19. After receipt of such notification, a school district
10 or accredited nonpublic school shall notify all employees
11 holding a license, certificate, authorization, or statement
12 of recognition issued by the board of educational examiners
13 regarding the availability of such training.

14 Sec. 3. Section 256.7, Code 2014, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 34. Adopt rules incorporating the training
17 required by section 272.2, subsection 19, into the standards
18 for individual teacher professional development plans in
19 accordance with section 284.6 and individual administrator
20 professional development plans in accordance with section
21 284A.6.

22 Sec. 4. NEW SECTION. **256.100 Harassment and bullying**
23 **prevention and response.**

24 1. The department shall coordinate and implement the
25 state's efforts to prevent and respond to harassment and
26 bullying as defined in section 280.28. The department may
27 enter into chapter 28E agreements with the board of educational
28 examiners, the department of human rights, the civil rights
29 commission, and postsecondary educational institutions for the
30 joint employment of personnel to carry out its duties.

31 2. The department shall:

32 a. Assist schools in this state in implementation of section
33 280.28, using research-based best practices.

34 b. Develop or recommend qualified training programs for
35 training required by section 272.2, subsection 19.

1 *c.* Provide assistance to school employees responsible
2 for conducting investigations of complaints of incidents of
3 harassment or bullying to ensure compliance with section
4 280.28.

5 *d.* Have access to, compare, and analyze harassment and
6 bullying incidence data reported by school districts and
7 accredited nonpublic schools pursuant to section 280.28,
8 subsection 7, and response data from the Iowa youth survey
9 conducted by the department of public health. The department
10 may use its analysis to provide technical assistance to
11 districts and schools regarding their data outcomes.

12 Sec. 5. Section 272.2, Code 2014, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 19. *a.* Adopt rules requiring all
15 individuals applying for or renewing a license, certificate,
16 authorization, or statement of recognition issued by the board
17 to complete training approved by the department on harassment
18 and bullying prevention and response.

19 *b.* Adopt rules requiring all individuals applying for or
20 renewing an administrator license to complete training approved
21 by the department on implementation of school-wide policies
22 and procedures for harassment and bullying identification,
23 reporting, response, and prevention and for the training of
24 individuals who are responsible for conducting investigations
25 of complaints of incidents of harassment or bullying.

26 *c.* Adopt rules providing for waiver or suspension of
27 the training requirements of this subsection if the waiver
28 or suspension is in the public interest, applicable to an
29 individual who is engaged in active duty in the military
30 service of this state or of the United States, to an individual
31 for whom compliance with the training requirements would impose
32 a significant hardship, or to an individual who is practicing
33 in an education profession outside this state.

34 Sec. 6. Section 280.28, subsection 2, paragraphs a and b,
35 Code 2014, are amended to read as follows:

1 *a. "Electronic"* means any communication involving the
2 transmission of information by wire, radio, optical cable,
3 electromagnetic, or other similar means. *"Electronic"* includes
4 but is not limited to communication via electronic mail,
5 internet-based communications including social networking
6 sites, pager service, cell phones, ~~and~~ electronic text
7 messaging, or any other electronic communication site, device,
8 or means.

9 *b. "Harassment"* and *"bullying"* shall be construed to mean
10 any electronic, written, verbal, or physical act or conduct
11 toward a student which is based on any actual or perceived
12 trait or characteristic of the student or any other reason and
13 which creates an objectively hostile school environment that
14 meets one or more of the following conditions:

15 (1) Places the student in reasonable fear of harm to the
16 student's person or property.

17 (2) Has a substantially detrimental effect on the student's
18 physical or mental health.

19 (3) Has the effect of substantially interfering with a
20 student's academic performance.

21 (4) Has the effect of substantially interfering with
22 the student's ability to participate in or benefit from the
23 services, activities, or privileges provided by a school.

24 Sec. 7. Section 280.28, subsection 3, Code 2014, is amended
25 by adding the following new paragraphs:

26 NEW PARAGRAPH. *h.* A procedure for the prompt notification
27 of the parents or guardians of all students directly involved
28 in a reported incident of harassment or bullying. The
29 procedure may include an exception to the notification
30 requirement if a school official reasonably believes
31 notification would subject a student to abuse or neglect.

32 NEW PARAGRAPH. *i.* A procedure for documenting the actions
33 taken by the school to investigate and respond to harassment
34 or bullying.

35 Sec. 8. Section 280.28, subsection 7, Code 2014, is amended

1 The inclusion of this explanation does not constitute agreement with
2 the explanation's substance by the members of the general assembly.

3 This bill requires all individuals applying for or renewing
4 a license, certificate, authorization, or statement of
5 recognition issued by the board of educational examiners to
6 complete training approved by the department of education
7 on harassment and bullying prevention and response. The
8 bill requires all individuals applying for or renewing
9 an administrator license to complete training approved by
10 the department on implementation of school-wide policies
11 and procedures for harassment and bullying identification,
12 reporting, response, and prevention and for the training of
13 individuals who are responsible for conducting investigations
14 of complaints of incidents of harassment or bullying.

15 The bill requires the board to waive or suspend the training
16 requirements under certain conditions. The department of
17 education is to annually notify all school districts and
18 accredited nonpublic schools of the availability of the
19 required training. The school districts and accredited
20 nonpublic schools shall then notify all employees holding
21 a license, certificate, authorization, or statement of
22 recognition issued by the board of the availability of such
23 training. The bill requires the board of education to adopt
24 rules incorporating the training requirements into the
25 standards for individual teacher professional development plans
26 and individual administrator professional development plans.

27 The bill provides duties for the department of education
28 relating to harassment and bullying prevention and response.
29 The department shall coordinate and implement the state's
30 efforts to prevent and respond to harassment and bullying
31 as defined in Code section 280.28, the state antiharassment
32 and antibullying law. The department may enter into Code
33 chapter 28E agreements with certain public agencies for the
34 joint employment of personnel to carry out its duties. The
35 department shall assist schools in Iowa in implementation of

1 Code section 280.28, using research-based best practices.
2 The department shall develop or recommend qualified training
3 programs for training required by the bill. The department
4 shall provide assistance to school employees responsible
5 for conducting investigations of complaints of incidents of
6 harassment or bullying to ensure compliance with Code section
7 280.28. The department shall have access to, compare, and
8 analyze harassment and bullying incidence data reported by
9 school districts and accredited nonpublic schools pursuant to
10 Code section 280.28, and response data from the Iowa youth
11 survey conducted by the department of public health. The
12 department may use its analysis to provide technical assistance
13 to districts and schools regarding their data outcomes.

14 The bill modifies the definition of "electronic" under Code
15 section 280.28 by adding any other electronic communication
16 site, device, or means to the definition and by including
17 social networking sites as part of the term "internet-based
18 communications".

19 Under current law, the definition of "harassment" and
20 "bullying" under Code section 280.28 applies to an act or
21 conduct toward a student which is based on any actual or
22 perceived trait or characteristic of the student. The bill
23 modifies the definition by including an act or conduct toward a
24 student which is based on any other reason as well.

25 The bill requires school antiharassment and antibullying
26 policies to include a procedure for the prompt notification of
27 the parents or guardians of all students directly involved in a
28 reported incident of harassment or bullying. The bill provides
29 that the procedure may include an exception to the notification
30 requirement if a school official reasonably believes
31 notification would subject a student to abuse or neglect.

32 The bill requires state antiharassment and antibullying
33 policies to include a procedure for documenting the actions
34 taken by the school to investigate and respond to harassment
35 or bullying.

1 The bill modifies data reporting requirements for schools
2 under Code section 280.28 by requiring the board of directors
3 of a school district and the authorities in charge of each
4 nonpublic school to report certain additional information to
5 the department of education and the local community.

6 The bill grants school officials the authority to
7 investigate and impose school discipline or take other action
8 in cases of alleged incidents of harassment or bullying,
9 including cyberbullying, that occur outside of school,
10 off of school property, or away from school functions or
11 school-sponsored activities if certain conditions are met.
12 Those conditions are that a parent, guardian, student, school
13 employee, or volunteer reports an incident of harassment
14 or bullying pursuant to the school's antiharassment and
15 antibullying policy; and that the alleged incident of
16 harassment or bullying has an effect on school grounds that
17 creates an objectively hostile school environment that places
18 the student in reasonable fear of harm to the student's
19 person or property; has a substantially detrimental effect
20 on the student's physical or mental health; has the effect
21 of substantially interfering with a student's academic
22 performance; or has the effect of substantially interfering
23 with the student's ability to participate in or benefit from
24 the services, activities, or privileges provided by a school.

25 The bill permits the department of education to adopt rules
26 necessary to administer Code section 280.28 in a uniform way
27 across the state.